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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/777,283	
	Filing Date	February 11, 2004	
	First Named Inventor	John F. SHANLEY	
	Group Art Unit	3730	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	16 + 59 refs.	Attorney Docket Number	P067

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form + duplicate for fee processing	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Executed Declaration and Power of Attorney	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Return postcard
<input checked="" type="checkbox"/> Information Disclosure Statement + PTO Form 1449 (15 pages)	<input type="checkbox"/> Request for Refund	2. Fifty-nine (59) references
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Conor Medsystems, Inc. Cindy A. Lynch 043027
Signature	
Date	September 28, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA- 22313-1450 on the date shown below:	
Dated: 9-28-04	Signature:  (Abby Berghella)



Attorney Docket No. P067

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 9-28-04

Signature: Abby Berghella (Abby Berghella)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	John F. Shanley et al.		
Serial No.:	10/777,283	Art Unit:	3730
Filed:	February 11, 2004	Examiner:	Unassigned
For:	IMPLANTABLE MEDICAL DEVICE WITH BENEFICIAL AGENT CONCENTRATION GRADIENT		

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ A PTO-Form 1449 listing all patents, publications, applications, or other information submitted for consideration by the office.

1b. A legible copy of:

☒ Each publication and foreign patent reference;

☐ Each publication or that portion which caused it to be listed on the PTO-1449;

☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;

☐ all other information or portion which caused it to be listed on the PTO-1449.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
  - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
  - ☒ Before the mailing of the first Office action on the merits;
  - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.
- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.
- The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
- ☐ enclosed.

The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)
- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

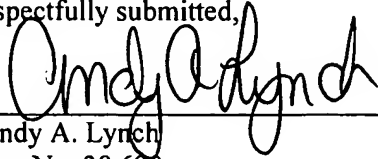
Application No. 10/777,283  
Attorney Docket No. P067

- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☒ This application is a continuation-in-part application under 37 C.F.R. §1.60 or §1.53(b) or (d).
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☒ Copies of publications listed on Form PTO-1449 from prior application Serial No. 10/402,893 from which this application claims priority are not being submitted pursuant to 37 C.F.R. §1.98(d), however the Examiner should consider this information in accordance with MPEP §609(I)(A)(2).
- 6c. ☒ Copies of the foreign patents and publications listed on Form PTO-1449 are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement.
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Conor Medsystems, Inc. Deposit Account No. 50-3100.

10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Date: September 28, 2004

Respectfully submitted,



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Application No. 10/777,283  
Attorney Docket No. P067

Substitute for forms 1449A/PTO &amp; 1449B/PTO

SEP 30 2004

# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P067

Application No.

10/177,283

Applicant

SHANLEY ET AL.

Filing Date

2-11-04

Group

3730

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-20010000802		Soykan et al.	5/3/01
	US-20010018469		Chen et al.	
	US-20010027340		Wright et al.	10/4/01
	US-20010029351		Falotico et al.	10/11/01
	US-20010034363		Li et al.	10/25/01
	US-20010125803		Vallana et al.	07/03/03
	US-20020005206		Falotico et al.	1/17/02
	US-20020007209		De Scheerder et al.	01/17/02
	US-20020007213		Falotico et al.	01/17/02
	US-20020016625		Falotico et al.	02/07/02
	US-20020028243		Bates et al.	
	US-20020032414		Ragheb et al.	
	US-20020038145		Jang	3/28/02
	US-20020068969		Shanley et al.	
	US-20020071902		Ding et al.	
	US-20020072511		New et al.	6/13/02
	US-20020082679		Sirhan et al.	6/27/02
	US-20020082680		Shanley et al.	06/27/02
	US-20020082682		Barclay et al.	06/27/02
	US-20020123801		Pacetti et al.	9/5/02
	US-20020127263		Carlyle et al.	09/12/02
	US-20020142039		Claude	10/3/02
	US-20020155212		Hossainy	10/24/02
	US-20020193475		Hossainy et al.	

Examiner Initials		Date Considered	
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Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and no considered. Include copy of this form with next communication to applicant. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-

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# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P067

Application No.

10177,283

Applicant

SHANLEY ET AL.

Filing Date

2-11-04

Group

3730

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-20030004141		Brown	01-02-03
	US-20030028244		Bates et al.	
	US-20030036794		Ragheb et al.	
	US-20030050687		Schwade et al.	03/13/03
	US-20030060877		Falotico et al.	03/27/03
	US-20030068355		Shanley et al.	
	US-20030077312		Schmulewicz et al.	
	US-20030083646		Sirhan et al.	
	US-20030086957		Hughes et al.	
	US-20030088307		Shulze et al.	
	US-20030100865		Santini et al.	05/29/03
	US-20030157241		Hossainy et al.	
	US-20030176915		Wright et al.	09/18/03
	US-20030181973		Sahota	09/25/03
	US-20030199970		Shanley	
	US-20030204239		Carlyle et al.	10/30/03
	US-20030216699		Falotico	11/20/03
	US-20040073296		Epstein et al.	04/15/04
	US-20040122505		Shanley	06/24/04
	US-20040127976		Diaz	07/01/04
	US-20040127977		Shanley	07/01/04
	US-20040144506		Shanley et al.	06/24/04
	US-5234456		Silvestrini	
	US-5342348		Kaplan	

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Group

3730

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-5380299		Fearnot et al.	
	US-5383928		Scott et al.	
	US-5419760		Narciso	
	US-5464650		Berg et al.	
	US-5472985		Grainger et al.	
	US-5534287		Lukic	
	US-5545208		Wolff et al.	
	US-5545569		Grainger et al.	
	US-5551954		Buscemi et al.	
	US-5578075		Dayton	
	US-5595722		Grainger et al.	
	US-5599844		Grainger et al.	
	US-5605696		Eury et al.	
	US-5609629		Fearnot et al.	
	US-5616608		Kinsella et al.	
	US-5624411		Tuch	
	US-5665591		Sonenshein et al.	
	US-5667764		Kopia et al.	
	US-5679400		Tuch	
	US-5707385		Williams	
	US-5713949		Jayaraman	
	US-5716981		Hunter et al.	
	US-5733925		Kunz et al.	
	US-5770609		Grainger et al.	

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# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P067

Application No.

10177,283

Applicant

SHANLEY ET AL.

Filing Date

2-11-04

Group

3130

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-5773479		Grainger et al.	
	US-5776184		Tuch	
	US-5811447		Kunz et al.	
	US-5824045		Alt	
	US-5824049		Ragheb et al.	
	US-5837008		Berg et al.	
	US-5837313		Ding et al.	
	US-5843172		Yan	
	US-5873904		Ragheb et al.	
	US-5882335		Leone et al.	
	US-5886026		Hunter et al.	
	US-5928916		Keogh	
	US-5935506		Schmitz et al.	
	US-5945456		Grainger et al.	
	US-5957971		Schwartz	
	US-5968092		Buscemi et al.	
	US-5972027		Johnson	
	US-5980551		Summers et al.	
	US-5980972		Ding	
	US-5981568		Kunz et al.	
	US-5994341		Hunter et al.	
	US-6063101		Jacobsen et al.	
	US-6071305		Brown et al.	
	US-6074659		Kunz et al.	

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Substitute for forms 1449A/PTO & 1449B/PTO  <b>FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Attorney's Dkt. No.	Application No.
	<u>PD67</u>	<u>10177,283</u>
	Applicant <u>SHANLEY ET AL.</u>	
	Filing Date <u>2-11-04</u>	Group <u>3730</u>

**U.S. PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-6087479		Stamler et al.	
	US-6096070		Ragheb et al.	
	US-6120535		McDonald et al.	
	US-6120536		Ding et al.	
	US-6120847		Yang et al.	
	US-6121027		Clapper et al.	
	US-6140127		Sprague	
	US-6153252		Hossainy et al.	
	US-6156062		McGuinness	
	US-6159488		Nagler et al.	
	US-6171609		Kunz	
	US-6174326		Kitaoka et al.	
	US-6193746		Strecker	
	US-6206914		Soykan et al.	
	US-6206915		Fagan et al.	
	US-6206916		Furst	
	US-6239118		Schatz et al.	
	US-6240616		Yan	
	US-6241762		Shanley	
	US-6249952		Ding	
	US-6254632		Wu et al.	
	US-6268390		Kunz	
	US-6273908		Ndondo-Lay	
	US-6273913		Wright et al.	

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# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

POL67

Application No.

10177,283

Applicant

SHANLEY ET AL.

Filing Date

2-11-04

Group

3730

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-6290673		Shanley	
	US-6293967		Shanley	
	US-6299604		Ragheb et al.	
	US-6306166		Barry et al.	
	US-6306421		Kunz et al.	
	US-6358556		Ding et al.	
	US-6358989		Kunz et al.	
	US-6379381		Hossainy et al.	
	US-6399144		Dinh et al.	
	US-6403635		Kinsella et al.	
	US-6423092		Datta et al.	
	US-6429232		Kinsella et al.	
	US-6491938		Kunz et al.	
	US-6497916		Taylor et al.	
	US-6500859		Kinsella et al.	
	US-6503954		Bhat et al.	
	US-6506411		Hunter et al.	
	US-6506437		Harish et al.	
	US-6515009		Kunz et al.	
	US-6544544		Hunter et al.	
	US-6558733		Hossainy	
	US-6562065		Shanley	
	US-6569441		Kunz et al.	
	US-6569688		Sivan et al.	

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# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

POL67

Application No.

10/777,283

Applicant

SHANLEY ET AL.

Filing Date

2-11-04

Group

3130

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-6572642		Rinaldi et al.	
	US-6585764		Wright et al.	
	US-6585765		Hossainy et al.	
	US-6599928		Kunz et al.	
	US-6613084		Yang	
	US-6627246		Mehta et al.	
	US-6638302		Curcio et al.	
	US-6645547		Shekalim et al.	
	US-6656162		Santini et al.	
	US-6660034		Mandrusov et al.	
	US-6663881		Kunz et al.	
	US-6673385		Ding et al.	
	US-6682545		Kester	
	US-6702850		Byun et al.	
	US-6712845		Hossainy	
	US-6713119		Hossainy et al.	
	US-6716444		Castro et al.	
	US-6716981		Hunter et al.	
	US-6720350		Kunz et al.	
	US-6723373		Narayanan et al.	
	US-6730064		Ragheb et al.	
	US-6730116		Wolinsky et al.	
	US-6746773		Llanos et al.	
	US-6752829		Kocur et al.	

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Substitute for forms 1449A/PTO &amp; 1449B/PTO

# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

POL7

Application No.

10177,283

Applicant

SHANLEY ET AL.

Filing Date

2-11-04

Group

3730

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-6780424		Claude	
	US-6783543		Jang	

Examiner Initials		Date Considered	
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Substitute for forms 1449A/PTO & 1449B/PTO  <b>FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Attorney's Dkt. No. P067	Application No. 10177,283
	Applicant SHANLEY ET AL.	
	Filing Date 2-11-04	Group 3730

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Publication Date (mm-dd-yyyy)	Translation	
					Yes	No
	CA-2234787		CA	10/15/98		
	EP-0294905		EPO	12/14/88		
	EP-0551182		EPO	7/14/93		
	EP-0568310		EPO	11/3/93		
	EP-0604022		EPO	6/29/94		
	EP-0623354		EPO	11/9/94		
	EP-0711158		EPO	3/12/03		
	EP-0716836		EPO	06/19/96		
	EP-0747069		EPO	12/11/96		
	EP-0752885		EPO	1/15/97		
	EP-0797963		EPO	10/1/97		
	EP-0832655		EPO	04/01/98		
	EP-0850651		EPO	7/1/98		
	EP-1118325		EPO	7/25/2001		
	EP-1172074		EPO	01/16/02		
	EP-1181943		EPO	2/27/02		
	EP-1222941		EPO	07/17/02		
	WO-0010622		PCT	3/2/00		
	WO-0045744		PCT	8/10/2000		
	WO-0071054		PCT	11/30/00		
	WO-0117577		PCT	3/15/01		
	WO-0145763		PCT	6/28/01		
	WO-0149338		PCT	7/12/2001		
	WO-0152915		PCT	7/26/01		
	WO-0187376		PCT	11/22/2001		
	WO-02087586		PCT	11/07/02		
	WO-0217880		PCT	3/7/2002		
	WO-0226162		PCT	04/04/02		

Examiner Initials	Date Considered
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Attorney's Dkt. No.

P067

Application No.

101777,283

Applicant

SHANLEY ET AL.

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## FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Publication Date (mm-dd-yyyy)	Translation	
					Yes	No
	WO-0226281		PCT	4/4/02		
	WO-0241931A2		PCT	5/30/02		
	WO-0241931A3		PCT	5/30/02		
	WO-03018083		PCT	3/6/03		
	WO-04043510		PCT	05/27/04		
	WO-04043511		PCT	05/27/04		
	WO-9001969		PCT	3/8/90		
	WO-9013332		PCT	11/15/90		
	WO-9112779		PCT	9/5/91		
	WO-9200747		PCT	1/23/92		
	WO-9306792		PCT	4/15/93		
	WO-9311120		PCT	6/10/93		
	WO-9407529		PCT	4/4/94		
	WO-9421308		PCT	9/29/94		
	WO-9424961		PCT	11/10/94		
	WO-9424962		PCT	11/10/94		
	WO-9503036		PCT	2/2/95		
	WO-9503795		PCT	2/9/95		
	WO-9524908		PCT	9/21/95		
	WO-9632907		PCT	10/24/1996		
	WO-9710011		PCT	3/20/97		
	WO-9823228		PCT	6/4/98		
	WO-9823244		PCT	6/4/98		
	WO-9836784		PCT	8/27/98		
	WO-9916386		PCT	4/8/99		
	WO-9916477		PCT	4/8/1999		
	WO-9949928		PCT	10/7/99		
	WO-9955396		PCT	11/4/1999		

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## NON PATENT LITERATURE DOCUMENTS

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Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

BONNIE L. HIATT, et al. "The Drug-Eluting Stent: Is It the Holy Grail?" Reviews in Cardiovascular Medicine. (2001) Vol. 2, No. 4, pp. 190-196

Patrick W. SERRUYS, et al., "Heparin-Coated Palmaz-Schatz Stents in Human Coronary Arteries" Circulation, 1996; 93:412-422

RAN KORNOWSKI, et al. (Washington Hospital, Wash. D.C.); "Slow-Release Taxol Coated GR11 Stents Reduce Neointima Formation in a Porcine Coronary in-Stent Rastensis Model"; Abstract from the American Heart Association's 70th Scientific Sessions (11/9-12, 1997).

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